

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAQUANA TERRY,

Plaintiff

v.

Case No.: 3:13-cv-04035

SSM Holdings, LLC,
d/b/a ONTRONICS,

Defendant

/

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, LAQUANA TERRY, by and through her undersigned counsel and sues the Defendant, SSM Holdings, LLC, d/b/a ONTRONICS, and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).
2. Plaintiff is an individual residing in Texas and worked for Defendant from 2009 to September 2013, doing shipping and receiving, inventory control, and other duties.
3. Defendant is a corporation formed and existing under the laws of the State of Texas, engaged in consumer electronics recycling, repair, and remarketing, and at all times pertinent to this Complaint operated a business in Dallas County, Texas.
4. Jurisdiction is conferred on this Court by 28 U.S.C. §1331 and 29 U.S.C. §216(b). At all times pertinent to this Complaint, Defendant was engaged in interstate commerce. Additionally, Plaintiff was individually engaged in interstate commerce and the handling of goods that have been moved in or produced in such commerce, doing work essential to

Defendant's business. Venue is proper in this district under 28 U.S.C. §1391 because the material facts that are the subject of this Complaint occurred in the Northern District of Texas.

5. During one or more weeks of Plaintiff's employment with Defendant, Plaintiff worked in excess of forty (40) hours (overtime hours).

6. During one or more weeks of Plaintiff's employment with Defendant wherein Plaintiff worked overtime hours, Defendant failed to pay Plaintiff one and one-half times her regular rate of pay for each overtime hour worked.

7. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendant willfully denied Plaintiff's right to overtime compensation under the FLSA.

8. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

9. Plaintiff further seeks liquidated damages as a result of Defendant's willful failure and refusal to pay overtime in violation of Section 7 of the FLSA, 29 U.S.C. §207.

10. Plaintiff also seeks compensation of the out of pocket expenses and costs of court he will incur in this action. Plaintiff is also entitled to reasonable and necessary attorney's fees pursuant to 29 U.S.C. §216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands Judgment against Defendant and requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;

2. The Court award damages to Plaintiff as specified above with Defendant being held jointly and severally liable;
3. The Court award reasonable and necessary attorney's and expert fees and costs;
4. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted on this 5th day of October, 2013.

ROSS LAW GROUP, P.C.

By:



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